



JANUARY 9 - 13, 2006 ST. LOUIS, MISSOURI

James B. Loken, Chief Judge - Minneapolis, Minnesota

Circuit Judges in Active Service

**Roger L. Wollman - Sioux Falls, SD
Morris S. Arnold - Little Rock, AR
Diana E. Murphy - Minneapolis, MN
Kermit E. Bye - Fargo, ND
William Jay Riley - Omaha, NE
Michael J. Melloy - Cedar Rapids, IA
Lavenski R. Smith - Little Rock, AR
Steven M. Colloton - Des Moines, IA
Raymond W. Gruender - St. Louis, MO
Duane Benton - Kansas City, MO**

Circuit Judges Who Have Taken Senior Status

**Donald P. Lay - St. Paul, MN
Gerald W. Heaney - Duluth, MN
Myron H. Bright - Fargo, ND
Theodore McMillian - St. Louis, MO
John R. Gibson - Kansas City, MO
George G. Fagg - Des Moines, IA
Pasco M. Bowman - Kansas City, MO
Frank J. Magill - Fargo, ND
C. Arlen Beam - Lincoln, NE
David R. Hansen - Cedar Rapids, IA**

NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

Court will be held in the Thomas F. Eagleton Courthouse at 111 S. 10th Street, St. Louis, Missouri. Division I will be held in the En Banc Courtroom on Floor 28, and Division II will be held in the Southeast Courtroom on Floor 27. Division III will be held in the Northeast Courtroom on Floor 27, and Division IV will be held in the Southwest Courtroom on Floor 27. Counsel presenting oral argument should report to the clerk's office, Room 24.329, 30 minutes before Court convenes.

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. *Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.*

Michael E. Gans
Clerk of Court

The following visiting judge will sit with the Court in January:

*The Honorable Andrew W. Bogue
Senior U.S. District Judge
Rapid City, South Dakota

www.ca8.uscourts.gov

Revised: 1/11/06

DIVISION I
28th Floor
En Banc Courtroom

MONDAY, JANUARY 9, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, HANSEN, MELLOY

			CMD
1.	04-3669NE	United States v. Erroll Flynn Shepard	
	04-3693NE	United States v. Tony Skannell, etc.	
	05-1024NE	United States v. Barry Renfold Cooley	
	05-1827NE	United States v. Roy G. Straughan, etc.	45
2.	05-1666WM	United States v. Paul David Anderson	15
	05-2631EA	United States v. Brian Atteberry	NO ARG
3.	04-4104WM	Carle Baker, Jr., etc. v. Burlington Northern and Santa Fe Railway Company, et al.	
	04-4124WM	Linus L. Baker, et al. v. Burlington Northern and Santa Fe Railway Company, et al.	
	04-4150WM	The Baker Group, L.C., v. Burlington Northern and Santa Fe Railway Company, et al.	20
	05-2638EA	United States v. Linda Ray Gardner	NO ARG
	05-2181EA	United States v. Tamika Wade	NO ARG
	04-2865EM	United States v. Jon R. White	NO ARG
	05-2278WM	United States v. Norman Dale Unverzagt	NO ARG

**** AFTERNOON SESSION ****

2:00 P.M. BEFORE JUDGES LOKEN, WOLLMAN, RILEY

05-2070SD	United States v. Mike Chase	15
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DIVISION I
28th Floor
En Banc Courtroom

**** EN BANC SESSION ****

TUESDAY, JANUARY 10, 2006, BEGINNING AT 10:00 A.M.
BEFORE JUDGES LOKEN, WOLLMAN, BEAM, ARNOLD, MURPHY,
BYE, RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON
SRD

04-2254SD	United States v. Gabriel Parra Lopez	30
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WEDNESDAY, JANUARY 11, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, MCMILLIAN, MELLOY

		LLB	
1.	04-3485EA	Frank Williams, Jr. v. Larry Norris, etc.	20
2.	04-4184EM	Gerald M. Dunne v. Peter E. Libbra	15
3.	05-2214NI	United States v. Lynn Marie Lazenby	10
4.	05-2216NI	United States v. Christine Marie Goodwin	15
5.	05-1765EM	T. F., et al. v. Special School District of St. Louis County, et al.	15

**** AFTERNOON SESSION ****

2:00 P.M. BEFORE JUDGES MELLOY, HANSEN, COLLOTON

03-2963SD	United States v. Sonny Ray Escarsega, etc.	15
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DIVISION I
28th Floor
En Banc Courtroom

THURSDAY, JANUARY 12, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, MCMILLIAN, MELLOY

			DGH
1.	05-1263NI	United States v. Alan Lee Ault	15
2.	05-2256NI	United States v. Paul Peter Swehla	10
3.	05-2220WM	Stephen Jeffery v. The Kansas City Southern Railway Company	
	05-2429WM	Stephen Jeffery v. The Kansas City Southern Railway Company	20
	04-2967EA	Stephanie Wells Cotton, etc. v. Commodore Express, Inc., et al.	
	04-3024EA	Joyce Ann Dunn, etc. v. Old Republic Insurance Company	
	04-3074EA	Darrell Vaughn, etc. v. Old Republic Insurance Company	NO ARG
4.	05-1964WM	Rhonda K. Peterson v. Transystems Corporation	15

FRIDAY, JANUARY 13, 2006, BEGINNING AT 8:30 A.M.
BEFORE JUDGES LOKEN, MCMILLIAN, MELLOY

			DMS
1.	04-2894	Alga Ogbay Woldemichael, et al. v. John Ashcroft, etc.	15
	05-2183SD	Stanley Little White Man, Jr., etc. v. United States	NO ARG
2.	05-2152	Abraham Brima Bah v. Alberto Gonzales, etc.	15
	05-1594EM	Benjamin Neal Moots v. George Lombardi, et al.	NO ARG
	05-1808	Abubakarr Fofanah v. Alberto Gonzales, etc.	NO ARG

DIVISION II
27th Floor
Southeast Courtroom

MONDAY, JANUARY 9, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, GIBSON, ARNOLD

			DGH
1.	04-3868EM	Martin Link v. Al Luebbers	30
2.	05-1626EA	Steve Warnock v. Charles Archer, etc., et al.	
	05-1713EA	Steve Warnock v. Charles Archer, etc., et al.	15
3.	05-2350EM	United States v. Don Rodney Bledsoe, etc.	10
4.	05-2465SI	Tammy Powell, etc. v. Yellow Book USA, etc., et al.	20
	05-2525WM	Craig Trussell v. Michael Bowersox	NO ARG
	05-1450NI	United States v. Douglas Jose Cardenas, etc.	NO ARG
	05-2074SI	United States v. Calvin Eugene Yakle	NO ARG
	04-3053NE	United States v. Pedro Salgado Campos	NO ARG

**** AFTERNOON SESSION ****

2:00 P.M. BEFORE JUDGES MURPHY, HEANEY, MELLOY

05-1206EM	Nathaniel Richmond, et al. v. Nicholas G. Higgins, etc.	15
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3:00 P.M. BEFORE JUDGES MELLOY, COLLOTON, GRUENDER

04-2771	Theresa E. Bartman, etc., et al. v. Commissioner of Internal Revenue Service	20
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**TUESDAY, JANUARY 10, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES SMITH, MCMILLIAN, BENTON**

05-4217WM	Mary Plubell, etc. v. Merck & Co., Inc.	20
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**WEDNESDAY, JANUARY 11, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, GIBSON, ARNOLD**

ABC/DMH-P

05-1972MN	Janice S. Hope v. Mirek Klabal, etc., et al.
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REMOVED

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|----|-----------|-------------------------------------|---------------|
| 1. | 05-2480NI | United States v. Donald K. Washburn | 15 |
| 2. | 05-2483SI | United States v. Jack Leroy Goody | 10 |
| | 05-2914SI | United States v. Tommy Lee Poe | NO ARG |
| 3. | 05-3004NI | United States v. Pamela J. Walker | 10 |

DIVISION II
27th Floor
Southeast Courtroom

THURSDAY, JANUARY 12, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, LAY, ARNOLD

			BWB
1.	05-2106NI	Sac & Fox Tribe of the Mississippi in Iowa, etc. v. Bureau of Indian Affairs, et al.	15
2.	05-1453WM	Timothy Johnson v. Martha Hamilton, et al.	15
	05-3071SI	United States v. Bryan Lee Simpson	NO ARG
3.	05-2008WM	Sidney James, etc. v. Alysha Friend, et al.	20
5.	05-3327SI	United States v. Jose Cortez-Palomino	10

FRIDAY, JANUARY 13, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, LAY, ARNOLD

			MER
1.	05-2069WA	Orris Bowles v. Osmose Utilities Services, Inc.	20
	05-2037SD	Gerald Lebeaux v. United States	NO ARG
2.	05-2471EA	Clara Parkman v. Prudential Insurance Company of America, et al.	15
3.	05-2207NE	Lazaro Castillo v. Tom Ridge, etc., et al.	10
4.	05-2329WM	Lee A. Barnes, Jr. v. United States	10

DIVISION III
27th Floor
Northeast Courtroom

MONDAY, JANUARY 9, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, FAGG, SMITH

			LAD
1.	05-1761WM	United States v. Henry M. Ruiz	NO ARG
	05-1762WM	United States v. Carl A. Chatman	NO ARG
	05-1804WM	United States v. Joseph Gonzales	
	05-1805WM	United States v. Michael A. Aviles	
	05-1913WM	United States v. Kevin C. Darks	
	05-2088WM	United States v. Robert Lopez	
	05-2601WM	United States v. Augustine C. Aviles	30
	05-2629SI	Dora L. Villegas, etc., et al. v. Pork-N-More, Inc., et al.	DISMISSED
2.	05-2145EM	Estate of Kathryn M. Buder, etc., et al. v. United States	
	05-2147EM	Estate of Kathryn M. Buder, etc., et al. v. United States	15
	05-2581MN	United States v. Nancy Lee Kraft	NO ARG
3.	05-2466EM	Jefferson Smurfit Corporation, etc. v. United States	15
	05-1177WM	United States v. Nancy E. Queen, etc.	NO ARG
	05-2362NE	United States v. Andree Artis	NO ARG
	04-3974EM	United States v. Timothy D. Still	NO ARG

THERE WILL BE NO ARGUMENTS ON TUESDAY IN DIVISION III.

DIVISION III
27th Floor
Northeast Courtroom

WEDNESDAY, JANUARY 11, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, HANSEN, SMITH

JMH

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|----|-----------|---|----|
| 1. | 05-2064WM | K.C. 1986 Limited Partnership, et al. v. U.S. Borax, Inc. | |
| | 05-2068WM | U.S. Borax, Inc. v. DeAngelo Brothers, Inc. | 20 |
| 2. | 05-2297SI | Denise R. Hite v. Vermeer Manufacturing Company, et al. | 20 |
| 3. | 05-2321SI | Ace Property and Casualty Insurance Company, etc., et al. v. Federal Crop Insurance Corporation, etc., et al. | 20 |
| 4. | 05-2367SD | United States v. John H. Sitting Bear | |
| | 05-2368SD | United States v. Melinda L. Marshall | 15 |
| 5. | 05-2115SD | United States v. Naomi B. Hawkman | 15 |

THURSDAY, JANUARY 12, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES SMITH, HANSEN, *BOGUE

YML

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|----|-----------|--|----|
| 1. | 05-2560NI | United States v. Raul Padilla Morales, etc. | 15 |
| 2. | 05-2452NE | Bonnie McCaslin v. Jo Anne B. Barnhart, etc. | 15 |
| 3. | 05-3073NE | United States v. DeWayne Green, etc. | 15 |
| 4. | 05-2873NI | Starla K. Tindell v. Jo Anne B. Barnhart, etc. | 15 |
| 5. | 05-3094NE | United States v. Duane Levering | 10 |

DIVISION III
27th Floor
Northeast Courtroom

FRIDAY, JANUARY 13, 2006, BEGINNING AT 8:30 A.M.
BEFORE JUDGES SMITH, HANSEN, *BOGUE

1.	05-1582EM	Terrick Alfred Williams v. United States	JPP 15
2.	05-2754WM	Missouri Public Entity Risk Management Fund v. Investors Insurance Company of America	20
	05-2060WM	Lavada A. Box v. Anthony J. Principi, etc., et al	NO ARG
	05-3348WA	United States v. Joshua Lee Philpott	NO ARG
3.	05-2940EM	United States v. Harry Meyer Katz	15

DIVISION IV
27th Floor
Southwest Courtroom

MONDAY, JANUARY 9, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, HEANEY, COLLOTON

			PAW
	05-1292WM	United States v. Michael J. Timley	
	05-1275WM	United States v. Michael J. Timley, et al.	
	05-1819WM	United States v. Michael J. Timley	REMOVED
1.	05-1224EM	United States v. Diallo Davidson	15
2.	05-1739EM	Steven A. Menz, et al. v. New Holland North America, Inc., et al.	15
3.	05-1895SD	Pearl Cottier, et al. v. City of Martin, et al.	20
	05-2268EM	United States v. Larry Edward Stead	NO ARG
	05-1100WM	United States v. Golden Longwell	NO ARG
	05-1416EM	United States v. Ezekiel Simpson	NO ARG

THERE WILL BE NO ARGUMENTS ON TUESDAY IN DIVISION IV.

DIVISION IV
27th Floor
Southwest Courtroom

WEDNESDAY, JANUARY 11, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, COLLOTON, *BOGUE

			KAS
	05-2122WM	Matthew Headley Holdings, etc. v. McCleary, Inc., et al.	
	05-2123WM	Matthew Headley Holdings, etc. v. McCleary, Inc., et al.	REMOVED
	04-3626	In re: Accessair, Inc., Debtor Anita L. Shodeen v. Airline Software, Inc.	NO ARG
1.	05-2211MN	John D. Craig v. The Pillsbury Non-Qualified Pension Plan, et al.	15
2.	05-2647EM	United States v. Anthony C. Littrell	15
3.	05-2416EM	United States v. Corey D. Lyons	15

DIVISION IV
27th Floor
Southwest Courtroom

THURSDAY, JANUARY 12, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, HEANEY, COLLOTON

TAB

1.	05-1069	The Minnesota Public Utilities Commission, et al. v. Federal Communications Commission, et al.	
	05-1122	National Association of State Utility Consumer Advocates, et al. v. Federal Communications Commission, et al.	
	05-3114	Public Utilities Commission of Ohio, et al. v. Federal Communications Commission, et al.	
	05-3118	People of the State of New York, et al. v. Federal Communications Commission, et al.	30
2.	05-1981EA	Lindy Bostic, etc., et al. v. Larry Goodnight, et al.	15
3.	05-2665MN	Sarah Pacht, etc., et al. v. Alice Seagren, etc., et al.	20
4.	05-2793WM	Blue Moon Entertainment, etc. v. City of Bates City, Missouri, etc., et al.	20
5.	05-1855EM	Kenneth S. Rotskoff, et al. v. George Tannous	15

DIVISION IV
27th Floor
Southwest Courtroom

FRIDAY, JANUARY 13, 2006, BEGINNING AT 8:30 A.M.
BEFORE JUDGES BYE, HEANEY, COLLOTON

			LMT
	04-4022EA	Delores Butcher v. DaimlerChrysler Corporation	REMOVED
1.	05-2943NE	The Colonial Press, Inc. v. Cothran Printing Equipment, Inc., et al.	15
2.	05-2774WM	David Hughes v. Roger D. Stottlemire, etc., et al.	15
3.	05-1285WM	Curtis Murphy v. City of Springfield, Missouri	15
4.	05-2735SD	United States v. Alexander Vasquez-Garcia	10
	05-2124NE	United States v. Rommel Smith, etc.	
	05-2126NE	United States v. Rommel Smith, etc.	REMOVED